

REMARKS

In view of the above amendments and the following remarks, reconsideration of the rejection and further examination are requested.

Priority was not claimed in this application. It is understood that the effective filing date of the application is March 6, 2006.

Based on the examiner's requirement, a substitute abstract has been submitted. The substitute abstract addresses the examiner's objection.

Rejection under 35 U.S.C §112 2nd paragraph:

Claims 1-3 and 5 have been rejected under 35 U.S.C. §112 2nd paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed and submitted to be inapplicable to the claims for the following reasons.

Claims 1-3 and 5 have been cancelled and replaced by claims 7-12 to resolve the examiner's rejection. Claims 7-12 do not recite both an apparatus and method steps of using the apparatus. The claims distinctly point out and distinctly claim the subject matter which applicant regards as his invention. As a result, claims 7-12 are patentable.

Rejection under 35 U.S.C. §101:

Claims 1-3 and 5 have been rejected under 35 U.S.C. §101 on the grounds that the claimed invention is directed to non-statutory subject matter. This rejection is respectfully traversed and submitted to be inapplicable to new claims 7-12 for the following reasons.

Claims 1-3 and 5 have been cancelled and replaced by claims 7-12 to resolve the examiner's rejection. Claims 7-12 are directed to only one class of statutory subject matter, namely "a new and useful process".

In addition, claims 7-12 encompass a process that cannot be performed entirely in one's own mind. Specifically, the method requires a particular computer composed of the Credit Management Program 31, the Payment Management Program 32, the Dividend Management Program 33, the First Dividend Management Correction Program 34a, and the Second Dividend

Management Correction Program 34b interacting with the Investor File 35, the Fund Management File 36, and the Dividend Management File 37 in a particular way. In the present invention, the use of the particular computer system imposes a meaningful limit on the method claim's scope because there are other methods available to achieve a similar result. The particular steps and the interaction of the various programs of the trustee's computer system and files are what define the present invention.

In addition the use of a computer is not "insignificant extra-solution activity" because the use of a computer system is crucial to the function of each of the claims. Because of the fast-paced nature of modern business, performing these claims without the use of a computer to manage the large quantities of information present in the Investor File 35, the Fund Management File 36, and the Dividend Management File 37, as well as to manage the inter-relation of the different computer programs responsible for managing all aspects of project management, would be impossible. The computer enables the steps of the present invention to be accomplished.

Therefore, it is submitted that the computer system of claims 7-12 imposes meaningful limits on the claims and is not insignificant post-solution activity. As a result, claims 7-12 are patentable.

Rejection under 35 U.S.C. §103(a):

Claims 1-3 and 5 have been rejected under 35 U.S.C §103(a) as being unpatentable over Hoffman (US 6,253,191 B1) in view of Wolfberg et al (US 5,214,579). Claims 1-3 and 5 have been cancelled, as noted above, and replaced by claims 7-12. This rejection is respectfully traversed and submitted to be inapplicable to the new claims for the following reasons.

Independent claim 7 is patentable over the combination of Hoffman and Wolfberg, because claim 7 recites a method of project management, including, in part, entrusting a particular project to a trustee and investing, by an investor, in the particular project entrusted to the trustee.

One of the features of the present invention, as recited in claim 7, is the ability of the investor to invest directly in particular projects and not in project holders. It is left to the investor to decide the merits and risk of individual projects and invest in specific projects accordingly. This feature improves investment performance by allowing for investment that can develop a

particular promising project without being affected by the management status of a project holder owning or managing multiple projects as described on page 2, lines 2-7, and page 10, lines 2-7 of the specification. It is submitted that the combination of Hoffman and Wolfberg fails to disclose or suggest this aspect of the present invention.

Hoffman discloses a system and method for investing in Brownfields projects. Investors invest in a Brownfields fund managed by a fund manager. The fund manager then takes the pool of investors' capital and invests it in various Brownfields projects according to fund investment criteria determined by the fund manager. In this way, investors can invest in risky Brownfields projects without being subject to environmental liability.

Based on the above discussion, it is apparent that Hoffman discloses an investor that invests in a fund managed by a fund manager. Particular projects require a fund manager's approval and a review by an independent committee before the fund can invest in them. In Hoffman, the investor's money is pooled in a fund that is independently managed by a fund manager. However, there is no disclosure or suggestion in Hoffman of entrusting, by the project holder to the trustee, the particular project among the plurality of projects, and investing, by the investor, in the particular project entrusted to the trustee. Wolfberg fails to disclose this aspect of the present invention as well.

Wolfberg discloses a data processing system which manages, monitors, and reports the growth of a participant's investment base with respect to progress towards achieving a predetermined target amount selected by the participant. The growth of the participant's initial investment is tracked and interpreted based on criteria and projections which reflect how well the account is progressing towards achieving the target amount.

Based on the above discussion, it is apparent that Wolfberg discloses a type of investment recovery management that uses dividend management program agreed on in advance by a project holder and a trustee. However, Wolfberg does not disclose or suggest entrusting, by the project holder to the trustee, the particular project among the plurality of projects, and investing, by the investor, in the particular project entrusted to the trustee. In addition, no obvious combination of Wolfberg and Hoffman would render claims 7-12 obvious. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of the invention would not have been motivated to make any combination of the references of record in such a

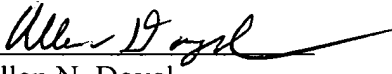
manner as to result in, or otherwise render obvious, the present invention as recited in claims 7-12.

Because of the above mentioned distinctions, it is believed clear that claims 7-12 are allowable over the references relied upon in the rejection and the prior art of record. Therefore it is submitted that claims 7-12 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The examiner is invited to contact the undersigned by telephone if it is felt that there are more issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

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